

### **REMARKS/ARGUMENTS**

Claims 1-5, 7-14, and 16-22 are now pending in this application. Claims 1 and 10 are Independent claims. Claims 1 and 10 have been amended. Claim 23-31 have been withdrawn.

#### ***Claim Rejections – 35 USC § 103(a)***

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elazar in view of Parks et al., USPN: 7,146,504 (hereinafter: Parks). (Pending Office Action, Page 3). Applicant respectfully traverses these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest *all* the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant points out that Independent Claim 10 recites elements which have not been disclosed, taught or suggested by any of the above-cited references of the present invention, either alone or in combination.

Independent Claims 1 and 10 generally recite the following:

“wherein operation of the buried nucleus is automatically suspended upon detection of an intrusion”

The architecture/buried nucleus of the present invention may have quasi-stability, such that cumulative attacks may be thwarted through immediate suspension of operation of the buried nucleus upon detection of an intrusion. (Present Application, Page 9, Paragraph 0027). The above-referenced elements of the present invention provide a mechanism for allowing the architecture to provide a desired level of security. Nowhere in the cited references (Elazar or Parks) is the idea of automatically suspending operation

of a buried nucleus of an architecture immediately upon detection of an intrusion for providing system security either disclosed, taught, or suggested. Therefore, a prima facie case of obviousness has not been established for Independent Claims 1 and 10 of the present application. Thus, Independent Claims 1 and 10 should be allowed. Further, Dependent Claims 2-5 and 7-9 (which depend on Independent Claim 1 and Dependent Claims 11-14 and 16-22 (which depend on Independent Claim 10) should also be allowed.

### CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of

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